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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,215	03/21/2001	Goh Itoh	204984US2TTC	1977
22850	7590	04/21/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/813,215		ITOH, GOH	
	Examiner		Art Unit	
	Asghar Bilgrami		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |



DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6, 8 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al (U.S. 6,078,582) and Krishnaswamy et al (U.S. 5,867,494).

2. As per claims 1, 2, 3, 4 & 9 Curry disclosed a method for providing a network environment as requested from a plurality of clients, comprising: receiving a request to provide said network environment from one of said clients (col.5, lines 11-27), setting an individual network for each of said clients requesting to provide a closed network in response to the received request and informing to said client of use permission with a predetermined discriminator and an access priority (col.5, lines 28-32, col.12, lines 16-19).

However Curry did not disclose in detail about managing a use time of said closed network. In the same field of endeavor Krishnaswamy discloses managing a use time of said closed network (col.20, lines 35-39, col.272, lines 46-63 & col.273 & col. 274, lines 13-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the mechanism of managing/monitoring the use of time on the network by the user so as to provide accurate usage report to the user in the form of a billing statement.

3. As per claim 6 Curry-Krishnaswamy disclosed a server for providing a network environment with a plurality of clients according to Claim 4, wherein said access priority is decided from an Internet protocol address of said client (Curry, col.6, lines 18-27).

4. As per claim 8 Curry-Krishnaswamy disclosed a server for providing a network environment with a plurality of clients, according to Claim 4, wherein said server further has a service giving means for billing said client according to a use time designated by said client and an extended time used by said client (Krishnaswamy, col.20, lines 35-39, col.272, lines 46-63 & col.273 & col. 274, lines 13-24).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 & 7 are rejected under 35 U.S.C. 102(e) as being unpatentable over Krishnaswamy (U.S. 5,867,494).

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As per claim 5 Krishnaswamy disclosed a client device used in a system for providing a network environment with other client devices and a server, the client device comprising: communication device configured to communicate with said server, a communication setting manager configured to prepare for communication passes with said server (col.68, lines 52-57), a receiver configured to receive a message transmitted from said server, a store configured to store said message, a converter configured to convert said message into a display data format and convert input data to a message, and a terminal job manager configured to manage said communication data conversion (col.68, lines 58-66).

6. As per claim 7 Krishnaswamy disclosed a client device used in a system for providing a network environment with other client devices and a server according to Claim 5, wherein said converter has a main program operating regardless of a software environment used by said client and a plurality of subprograms operating according to said software environment used by said client, the system starts said subprograms according to said kind of said data in said message, and converts said display file (col.68, lines 31-48).

Response to Arguments

7. Applicant's arguments filed 1, November 2004 have been fully considered but they are not persuasive. When prior art is presented to the applicants, it is the responsibility of the applicants to not simply read portions of the prior art but to also gain an understanding of the spirit of the design.

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8. Applicant argued that Curry does not teaches or suggests "a predetermined discriminator" or "an access priority" as recited in Claim 1.

As to applicants arguments Curry discloses reserving predetermined amount of bandwidth for virtual paths carrying data packet for a certain IP addresses (col.13, lines 3-19 & col.15, lines 18-32), curry also discloses user's access to high priority traffic based on the prior pre-determined service level (col.16, lines 66-67 & col.17, lines 1-10).

9. Applicant argued that Curry discusses user access permissions, not access priorities.

Further, there is no teaching or suggestion of a predetermined discriminator.

As to applicant's arguments Curry discusses user's access to high priority traffic based upon predetermined user access permissions (col.16, lines 66-67 & col.17, lines 1-10)

10. Applicant argued that "Curry does not teach or suggest informing said client of use permission based on a predetermined discriminator and an access priority".

As to applicant's arguments, Curry discusses user's access to high priority traffic based upon predetermined user access permissions (col.16, lines 66-67 & col.17, lines 1-10)

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143

AB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100